AMENDMENTS TO THE CLAIMS

Please cancel Claims 10, 20, 31, 41, 51, and 61.

Please amend Claims 1-9, 11-19, 21-26, 28-30, 32-40, 42-50, 52-60, and 62 as follows:

1. (Currently Amended) A process for [[a]] determining server performance metrics in a network, comprising ~~the steps of~~:

providing a service metric probe ~~means~~ resident on a server for determining service availability and metric measurements of types of services provided by a content delivery server;

providing a latency probe ~~means~~ resident on a server for determining latency values for various content delivery servers within ~~said~~ the network;

wherein ~~said~~ the service metric probe ~~means~~ consults a configuration file containing each DNS name in ~~said~~ an area associated with the service metric probe ~~means' area~~ and any set(s) of services associated with each DNS name;

wherein ~~said~~ the set(s) of services include any of: HTTP, HTTPS, FTP, streaming media, or generic SNMP; ~~and~~

wherein ~~said~~ the latency probe ~~means~~ calculates a latency value from ~~said~~ a location of the latency probe ~~means' location~~ to a client's location[[.]] ; and

wherein, for a given DNS name, a DNS server uses updates to the latency values and updates to the service availability and metric measurements to determine a content delivery server to return.

2. (Currently Amended) The process of claim 1, wherein each content delivery server in ~~said~~ the network has a metric test associated with each service supported by each content delivery server.

3. (Currently Amended) The process of claim 1, wherein ~~said~~ the service metric probe ~~means~~ periodically performs metric tests on content delivery servers within ~~said~~ the service metric probe ~~means'~~ area, and wherein ~~said~~ the service metric probe means records metric results from ~~said~~ the periodic tests.

4. (Currently Amended) The process of claim 1, wherein ~~said~~ the latency probe ~~means~~ calculates a round trip time for sending a packet to a client to obtain the latency value, and wherein round trip time tests that ~~said~~ the latency probe ~~means~~ performs, includes any of: PING, UDP Reverse Name lookup, [[and/]]or UDP Packets to high number ports.

5. (Currently Amended) The process of claim 1, wherein when ~~said~~ the latency probe ~~means~~ sends a UDP Packet probe to high number ports that fail, ~~said~~ the latency probe ~~means~~ resends ~~said~~ the UDP Packet probe with a low TTL number and increments the TTL number until failure occurs, a last successful TTL number indicates partial latency data.

6. (Canceled)

7. (Currently Amended) The process of claim 1, wherein ~~said~~ the service metric probe means sends an update to all DNS servers in ~~said~~ the network that consists of all tests since a last update.

8. (Currently Amended) The process of claim 1, wherein ~~said~~ the latency probe ~~means~~ updates DNS servers with a clients' latency data.

9. (Currently Amended) The process of claim 1, wherein a DNS server uses latency data updates from ~~said~~ the latency probe ~~means~~ to determine a closest content delivery server to a client.

10. (Canceled)

11. (Currently Amended) The process of claim 1, wherein ~~said~~ the service metric probe ~~means~~ sends a packet request to a content delivery server and receives, in response, a packet containing various metrics of the content delivery server, and wherein ~~said~~ the service metric probe ~~means~~ combines the content delivery server's metrics to arrive at a load metric which is sent to at least one DNS server.

12. (Currently Amended) A process for a determining server performance metrics in a network, comprising the steps of:

providing service metric probe ~~means~~ resident on a server for determining service availability and metric measurements of types of services provided by a content delivery server;

providing latency probe ~~means~~ resident on a server for determining a latency value for various servers within ~~said~~ the network;

wherein ~~said~~ the service metric probe ~~means~~ sends an update to all DNS servers in ~~said~~ the network that consists of all service availability and metric measurements since a last update; ~~and~~

wherein ~~said~~ the latency probe ~~means~~ updates ~~said~~ the DNS servers with clients' latency data[[.]] ; and

wherein, for a given DNS name, a DNS server uses updates to the latency values and updates to the service availability and metric measurements to determine a content delivery server to return.

13. (Currently Amended) The process of claim 12, wherein ~~said~~ the service metric probe ~~means~~ consults a configuration file containing each DNS name in ~~said~~ the service metric probe ~~means'~~ area and any set(s) of services associated with each DNS name, and wherein ~~said~~ the services include any of: HTTP, HTTPS, FTP, streaming media, or generic SNMP.

14. (Currently Amended) The process of claim 12, wherein ~~said~~ the latency probe ~~means~~ calculates a latency value from ~~said~~ the latency probe ~~means'~~ location to a client's location.

15. (Currently Amended) The process of claim 12, wherein each content delivery server in ~~said~~ the network has a metric test associated with each service supported by ~~said~~ the content delivery server.

16. (Currently Amended) The process of claim 12, wherein ~~said~~ the service metric probe ~~means~~ periodically performs metric tests on content delivery servers within ~~said~~ the service metric probe ~~means'~~ area, and wherein ~~said~~ the service metric probe means records metric results from ~~said~~ the periodic tests.

17. (Currently Amended) The process of claim 12, wherein ~~said~~ the latency probe ~~means~~ calculates a round trip time for sending a packet to a client to obtain latency value, and wherein round trip time tests that ~~said~~ the latency probe ~~means~~ performs, includes any of: PING, UDP Reverse Name lookup, or UDP Packets to high number ports.

18. (Currently Amended) The process of claim 12, wherein when ~~said~~ the latency probe ~~means~~ sends a UDP Packet probe to high number ports that fail, ~~said~~ the latency probe ~~means~~ resends ~~said~~ the UDP Packet probe with a low TTL number and increments the TTL number until failure occurs, a last successful TTL number indicates partial latency data.

19. (Currently Amended) The process of claim 12, wherein a DNS server uses ~~said~~ the latency data updates to determine a closest content delivery server to a client.

20. (Canceled)

21. (Currently Amended) The process of claim 12, wherein ~~said~~ the service metric probe ~~means~~ sends a packet request to a content delivery server and receives, in response,

a packet containing the various metrics of the content delivery server, and wherein ~~said~~ the service metric probe ~~means~~ combines the content delivery server metrics to arrive at a load metric which is sent to ~~said~~ the DNS servers.

22. (Currently Amended) A program storage medium readable by a computer, tangibly embodying a program of instructions executable by the computer to perform method steps for [[a]] determining server performance metrics in a network, comprising the steps of:

providing a service metric probe ~~means~~ resident on a server for determining service availability and metric measurements of types of services provided by a content delivery server;

providing a latency probe ~~means~~ resident on a server for determining latency values for various content delivery servers within ~~said~~ the network;

wherein ~~said~~ the service metric probe ~~means~~ consults a configuration file containing each DNS name in ~~said~~ an area associated with the service metric probe ~~means' area~~ and any set(s) of services associated with each DNS name;

wherein ~~said~~ the set(s) of services include any of: HTTP, HTTPS, FTP, streaming media, or generic SNMP; ~~and~~

wherein ~~said~~ the latency probe ~~means~~ calculates a latency value from ~~said~~ a location of the latency probe ~~means' location~~ to a client's location[[.]] ; and

wherein, for a given DNS name, a DNS server uses updates to the latency values and updates to the service availability and metric measurements to determine a content delivery server to return.

23. (Currently Amended) The method of claim 22, wherein each content delivery server in ~~said~~ the network has a metric test associated with each service supported by each content delivery server.

24. (Currently Amended) The method of claim 22, wherein ~~said~~ the service metric probe ~~means~~ periodically performs metric tests on content delivery servers within ~~said~~ the service metric probe ~~means'~~ area, and wherein ~~said~~ the service metric probe ~~means~~ records metric results from ~~said~~ the periodic tests.

25. (Currently Amended) The method of claim 22, wherein ~~said~~ the latency probe ~~means~~ calculates a round trip time for sending a packet to a client to obtain the latency value, and wherein ~~the~~ round trip time tests that ~~said~~ the latency probe ~~means~~ performs, includes any of: PING, UDP Reverse Name lookup, or UDP Packets to high number ports.

26. (Currently Amended) The method of claim 22, wherein when ~~said~~ the latency probe ~~means~~ sends a UDP Packet probe to high number ports that fail, ~~said~~ the latency probe ~~means~~ resends ~~said~~ the UDP Packet probe with a low TTL number and increments the TTL number until failure occurs, a last successful TTL number indicates partial latency data.

27. (Canceled)

28. (Currently Amended) The method of claim 22, wherein ~~said~~ the service metric probe ~~means~~ sends an update to all DNS servers in ~~said~~ the network that consists of all tests since a last update.

29. (Currently Amended) The method of claim 22, wherein ~~said~~ the latency probe ~~means~~ updates DNS servers with a clients' latency data.

30. (Currently Amended) The method of claim 22, wherein a DNS server uses latency data updates to determine a closest content delivery server to a client.

31. (Canceled)

32. (Currently Amended) The method of claim 22, wherein ~~said~~ the service metric probe ~~means~~ sends a packet request to a content delivery server and receives, in response, a packet containing various metrics of the content delivery server, and wherein ~~said~~ the service metric probe ~~means~~ combines the content delivery server's metrics to arrive at a load metric which is sent to at least one DNS server.

33. (Currently Amended) A program storage medium readable by a computer, tangibly embodying a program of instructions executable by the computer to perform method steps for a determining server performance metrics in a network, comprising the steps of:

providing service metric probe ~~means~~ resident on a server for determining service availability and metric measurements of types of services provided by a content delivery server;

providing latency probe ~~means~~ resident on a server for determining a latency value for various servers within ~~said~~ the network;

wherein ~~said~~ the service metric probe ~~means~~ sends an update to all DNS servers in ~~said~~ the network that consists of all service availability and metric measurements since a last update; ~~and~~

wherein ~~said~~ the latency probe ~~means~~ updates ~~said~~ the DNS servers with clients' latency data[[.]] ; and

wherein, for a given DNS name, a DNS server uses updates to the latency values and updates to the service availability and metric measurements to determine a content delivery server to return.

34. (Currently Amended) The method of claim 33, wherein ~~said~~ the service metric probe ~~means~~ consults a configuration file containing each DNS name in ~~said~~ the service metric probe ~~means'~~ area and any set(s) of services associated with each DNS name, and wherein ~~said~~ the services include any of: HTTP, HTTPS, FTP, streaming media, or generic SNMP.

35. (Currently Amended) The method of claim 33, wherein ~~said~~ the latency probe ~~means~~ calculates a latency value from ~~said~~ the latency probe ~~means'~~ location to a client's location.

36. (Currently Amended) The method of claim 33, wherein each content delivery server in ~~said~~ the network has a metric test associated with each service supported by ~~said~~ the content delivery server.

37. (Currently Amended) The method of claim 33, wherein ~~said~~ the service metric probe ~~means~~ periodically performs metric tests on content delivery servers within ~~said~~ the service metric probe ~~means'~~ area, and wherein ~~said~~ the service metric probe means records metric results from ~~said~~ the periodic tests.

38. (Currently Amended) The method of claim 33, wherein ~~said~~ the latency probe ~~means~~ calculates a round trip time for sending a packet to a client to obtain a latency value, and wherein round trip time tests that ~~said~~ the latency probe ~~means~~ performs, includes any of: PING, UDP Reverse Name lookup, or UDP Packets to high number ports.

39. (Currently Amended) The method of claim 33, wherein when ~~said~~ the latency probe ~~means~~ sends a UDP Packet probe to high number ports that fail, ~~said~~ the latency probe ~~means~~ resends ~~said~~ the UDP Packet probe with a low TTL number and increments the TTL number until failure occurs, a last successful TTL number indicates partial latency data.

40. (Currently Amended) The method of claim 33, wherein a DNS server uses ~~said~~ the latency data updates to determine a closest content delivery server to a client.

41. (Canceled)

42. (Currently Amended) The method of claim 33, wherein ~~said~~ the service metric probe ~~means~~ sends a packet request to a content delivery server and receives, in response, a packet containing the various metrics of the content delivery server, and wherein ~~said~~ the service metric probe ~~means~~ combines the content delivery server metrics to arrive at a load metric which is sent to ~~said~~ the DNS servers.

43. (Currently Amended) An apparatus for a determining server performance metrics in a network, comprising:

a service metric probe ~~means~~ resident on a server for determining service availability and metric measurements of types of services provided by a content delivery server;

a latency probe ~~means~~ resident on a server for determining latency values for various content delivery servers within ~~said~~ the network;

wherein ~~said~~ the service metric probe ~~means~~ consults a configuration file containing each DNS name in ~~said~~ an area associated with the service metric probe ~~means' area~~ and any set(s) of services associated with each DNS name;

wherein ~~said~~ the set(s) of services include any of: HTTP, HTTPS, FTP, streaming media, or generic SNMP; ~~and~~

wherein ~~said~~ the latency probe ~~means~~ calculates a latency value from ~~said~~ a location of the latency probe ~~means' location~~ to a client's location[[.]] ; and

wherein, for a given DNS name, a DNS server uses updates to the latency values and updates to the service availability and metric measurements to determine a content delivery server to return.

44. (Currently Amended) The apparatus of claim 43, wherein each content delivery server in ~~said~~ the network has a metric test associated with each service supported by each content delivery server.

45. (Currently Amended) The apparatus of claim 43, wherein ~~said~~ the service metric probe ~~means~~ periodically performs metric tests on content delivery servers within ~~said~~ the service metric probe ~~means'~~ area, and wherein ~~said~~ the service metric probe ~~means~~ records metric results from ~~said~~ the periodic tests.

46. (Currently Amended) The apparatus of claim 43, wherein ~~said~~ the latency probe ~~means~~ calculates a round trip time for sending a packet to a client to obtain the latency value, and wherein round trip time tests that ~~said~~ the latency probe ~~means~~ performs, includes any of: PING, UDP Reverse Name lookup, or UDP Packets to high number ports.

47. (Currently Amended) The apparatus of claim 43, wherein when ~~said~~ the latency probe ~~means~~ sends a UDP Packet probe to high number ports that fail, ~~said~~ the latency probe ~~means~~ resends ~~said~~ the UDP Packet probe with a low TTL number and increments the TTL number until failure occurs, a last successful TTL number indicates partial latency data.

48. (Currently Amended) The apparatus of claim 43, wherein ~~said~~ the service metric probe ~~means~~ sends an update to all DNS servers in ~~said~~ the network that consists of all tests since a last update.

49. (Currently Amended) The apparatus of claim 43, wherein ~~said~~ the latency probe ~~means~~ updates DNS servers with a clients' latency data.

50. (Currently Amended) The apparatus of claim 43, wherein a DNS server uses latency data updates from ~~said~~ the latency probe ~~means~~ to determine a closest content delivery server to a client.

51. (Canceled)

52. (Currently Amended) The apparatus of claim 43, wherein ~~said~~ the service metric probe ~~means~~ sends a packet request to a content delivery server and receives, in response, a packet containing various metrics of the content delivery server, and wherein ~~said~~ the service metric probe ~~means~~ combines the content delivery server's metrics to arrive at a load metric which is sent to at least one DNS server.

53. (Currently Amended) An apparatus for a determining server performance metrics in a network, comprising:

service metric probe ~~means~~ resident on a server for determining service availability and metric measurements of types of services provided by a content delivery server;

latency probe ~~means~~ resident on a server for determining a latency value for various servers within ~~said~~ the network;

wherein ~~said~~ the service metric probe ~~means~~ sends an update to all DNS servers in ~~said~~ the network that consists of all service availability and metric measurements since a last update; and

wherein ~~said~~ the latency probe ~~means~~ updates ~~said~~ the DNS servers with clients' latency data[[.]] ; and

wherein, for a given DNS name, a DNS server uses updates to the latency values and updates to the service availability and metric measurements to determine a content delivery server to return.

54. (Currently Amended) The apparatus of claim 53, wherein ~~said~~ the service metric probe ~~means~~ consults a configuration file containing each DNS name in ~~said~~ the service metric probe ~~means'~~ area and any set(s) of services associated with each DNS name, and wherein ~~said~~ the services include any of: HTTP, HTTPS, FTP, streaming media, or generic SNMP.

55. (Currently Amended) The apparatus of claim 53, wherein ~~said~~ the latency probe ~~means~~ calculates a latency value from ~~said~~ the latency probe ~~means'~~ location to a client's location.

56. (Currently Amended) The apparatus of claim 53, wherein each content delivery server in ~~said~~ the network has a metric test associated with each service supported by ~~said~~ the content delivery server.

57. (Currently Amended) The apparatus of claim 53, wherein ~~said~~ the service metric probe ~~means~~ periodically performs metric tests on content delivery servers within ~~said~~ the service metric probe ~~means'~~ area, and wherein ~~said~~ the service metric probe ~~means~~ records metric results from ~~said~~ the periodic tests.

58. (Currently Amended) The apparatus of claim 53, wherein ~~said~~ the latency probe ~~means~~ calculates a round trip time for sending a packet to a client to obtain a latency value, and wherein round trip time tests that ~~said~~ the latency probe ~~means~~ performs, includes any of: PING, UDP Reverse Name lookup, or UDP Packets to high number ports.

59. (Currently Amended) The apparatus of claim 53, wherein when ~~said~~ the latency probe ~~means~~ sends a UDP Packet probe to high number ports that fail, ~~said~~ the latency probe ~~means~~ resends ~~said~~ the UDP Packet probe with a low TTL number and increments the TTL number until failure occurs, a last successful TTL number indicates partial latency data.

60. (Currently Amended) The apparatus of claim 53, wherein a DNS server uses ~~said~~ the latency data updates to determine a closest content delivery server to a client.

61. (Canceled)

62. (Currently Amended) The apparatus of claim 53, wherein ~~said~~ the service metric probe ~~means~~ sends a packet request to a content delivery server and receives, in response, a packet containing the various metrics of the content delivery server, and wherein ~~said~~ the service metric probe ~~means~~ combines the content delivery server metrics to arrive at a load metric which is sent to ~~said~~ the DNS servers.